

MAY-17-06 05:49PM FROM-Merchant &amp; Gould

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T-189 P.001/008 F-650

**Merchant & Gould**

An Intellectual Property Law Firm

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State/Country: D.C./U.S.A.

Confirmation Via Mail: ☐ Yes ☒ No

From: Garen J. Godfredson

Our Ref.: 11378.0066USWO

Fax No.: 612.332.9081

Phone No.: 612.766.6018

Total Pages: 9

E-Mail: ggotfredson@merchantgould.com

Return Fax To: Bridget Gabriel

Title of Documents Transmitted:

Response to Notification of Defective Response:  
Courtesy Copy of certain papers submitted on  
May 2, 2006 (Cover sheet and Remarks only).

Applicant: TyagiSerial No.: 10/560,605Filed: July 9, 2004Group Art Unit: UnknownOur Ref. No.: 11378.66USWO

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

**23552**

PATENT TRADEMARK OFFICE

By:

Garen GodfredsonName: Garen J. GodfredsonReg. No.: 44,722

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Garen Godfredson  
Signature

5/17/06  
Date

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If you did NOT receive all of the pages, please call us in the U.S.A. at 612.336.4664 or fax us at 612.332.9081.

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MAY 17 2006

S/N 10/560,605

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tyagi et al.	Examiner:	Unknown
Serial No.:	10/560,605	Group Art Unit:	Unknown
Filed:	March 22, 2006	Docket No.:	11378.0066USWO
Title:	MUTANTS OF MYCOBACTERIA AND PROCESS THEREOF		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 17, 2006.

By: Garen J. Gustafson

Name: Garen J. Gustafson

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Notification of Defective Response mailed April 17, 2006, Applicants timely submit the following remarks.

The Notification stated that Applicants' papers filed on March 26, 2006, and containing a Combined Declaration and Power of Attorney, did not contain a sequence listing in computer readable form, nor the requisite statements regarding new matter and the identity of the computable readable form to the paper sequence. Applicants assert, however, that these items were submitted on May 2, 2006, in response to the Notification of Missing Requirements dated March 23, 2006. Courtesy copies of the submitted cover letter and remarks are attached (omitting the submitted sequence listing and computer readable copy for economy). Therefore, Applicants respectfully submit that no further action on Applicants' part is necessary in response to the Notification of Defective Response.

For the purpose of clarification, Applicants note that the papers filed on March 26, 2006 were not submitted in Response to the Notification of Missing Parts, since Applicants' were not in receipt of the Notification on that date. It is respectfully submitted that since all outstanding requirements of the Notification of Missing Parts mailed March 23, 2006 were timely complied

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with in the fully responsive papers submitted on May 2, 2006, Applicants have not incurred any delays in prosecution under 37 C.F.R. 1.704 that could otherwise have resulted from the mailing of the Notification of Defective Response.

Since all outstanding requirements have been satisfied, Applicants request an examination of the application on the merits. If a telephone conference would be helpful in resolving any remaining issues, please contact Applicants' primary attorney-of record, Garen J. Gotfredson (Reg. No. 44,722), at (612) 336-4623.



Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: May 17, 2006

GJG/bt

By Garen Gotfredson  
Garen J. Gotfredson  
Reg. No. 44,722



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO. 10/560,605	FIRST NAMED APPLICANT Anil Kumar Tyagi	ATTY. DOCKET NO. 11378.0066USWO
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INTERNATIONAL APPLICATION NO. PCT/TN04/00203
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I.A. FILING DATE 07/09/2004	PRIORITY DATE 07/09/2003
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23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

MTS  
\*GJG

CONFIRMATION NO. 9160

371 FORMALITIES LETTER



\*OC000000018532252\*

RESPONSE 1: 05/17/2006

RESPONSE N/A: 07/17/2006

RESPONSE STAT: 10/17/2006

Date Mailed: 04/17/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/13/2005
- Copy of the International Search Report filed on 12/13/2005
- Copy of IPE Report filed on 12/13/2005
- Copy of Annexes to the IPE filed on 12/13/2005
- Preliminary Amendments filed on 12/13/2005
- Oath or Declaration filed on 03/26/2006
- Biochemical Sequence Listing filed on 12/13/2005
- Request for Immediate Examination filed on 12/13/2005
- U.S. Basic National Fees filed on 12/13/2005
- Priority Documents filed on 12/13/2005

Applicant's response filed 03/26/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/23/2006 have not been completed.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S.

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Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,605	PCT/IN04/00203	11378.0066USWO

FORM PCT/DO/EO/916 (371 Formalities Notice)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TYAGI et al. Examiner: Unknown  
Serial No.: 10/560,605 Group Art Unit: Unknown  
Filed: 13 December 2005 Docket: 11378.0066USWO  
Confirmation No.: 9160 Notice of Allow. Date: N/A  
Due Date: 23 May 2006  
Title: MUTANTS OF MYCOBACTERIA AND PROCESS THEREOF

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841296222 US  
Date of Deposit: 2 May 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By:   
Nancy John Junkers

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

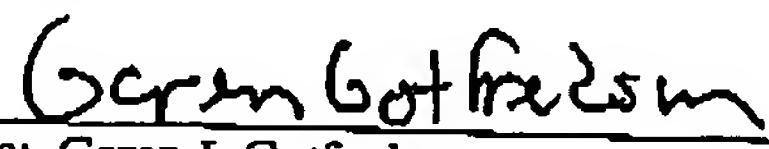
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Requirements Under 35 U.S.C. 371
- ☒ Please charge the deposit account no. 13-275 in the amount of \$130.00 for Submission of Missing Requirements
- ☒ Computer readable form of Sequence Listing, Communication Regarding Response to Notice of Missing Requirements. Applicants state that the paper copy form of the Sequence Listing section of the present application, and the computer readable form submitted herewith, are the same.
- ☒ Other: Communication Regarding Combined Declaration and Power of Attorney
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Garen J. Gotfredson  
Reg. No.: 44,722  
GJG/cjc

(PTO TRANSMITTAL - GENERAL)

S/N 10/560,605

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TYAGI et al. Examiner: Unknown  
Serial No.: 10/560,605 Group Art Unit: Unknown  
Filed: 13 December 2005 Docket No.: 11378.0066USWO  
Title: MUTANTS OF MYCOBACTERIA AND PROCESS THEREOF

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By:

Name: John Linkers

AMENDMENT AND RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

This paper is being filed in response to the Examiner's communication mailed March 23, 2006. In response to the Notice to Comply and in accordance with the requirements of 37 C.F.R. § 1.821 - § 1.825, Applicants enclose herewith a computer readable form of the Sequence Listing. In addition, a paper copy of the Sequence Listing is also provided. Please amend the specification to insert the paper copy of the Sequence Listing after the Abstract in accordance with 37 CFR 1.77(b)(11). Applicants hereby state that the computer readable form and the paper copy of the Sequence Listing enclosed are the same and do not include new matter. Pursuant to the Examiner's request, also enclosed is a copy of the Notice to Comply with the sequence listing rules.

Respectfully submitted,

23552

PATENT TRADEMARK OFFICE

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: 2 May 2006

By: Garen J. Gotfredson  
Garen J. Gotfredson  
Reg. No. 44,722

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S/N 10/560,605

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	TYAGI et al.	Examiner:	Unknown
Serial No.:	10/560,605	Group Art Unit:	Unknown
Filed:	13 December 2005	Docket No.:	11378.0066USWO
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By: 

Name: John Junkers

COMMUNICATION REGARDING COMBINED DECLARATION AND POWER OF ATTORNEY

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

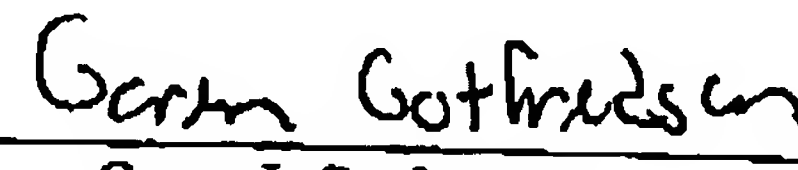
In connection with the above-identified application, applicants assert that the Combined Declaration and Power of Attorney was submitted on 23 March 2006. A photo copy of the Express Mail label and post card are enclosed as evidence that the USPTO received the declaration on 23 March 2006. However, please charge the deposit account no. 13-2725 for the amount of \$130.00 to cover the required fee for the Missing Requirements completion fee.

Respectfully submitted,



MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: 2 May 2006

By   
Garen J. Gotfredson  
Reg. No. 44,722

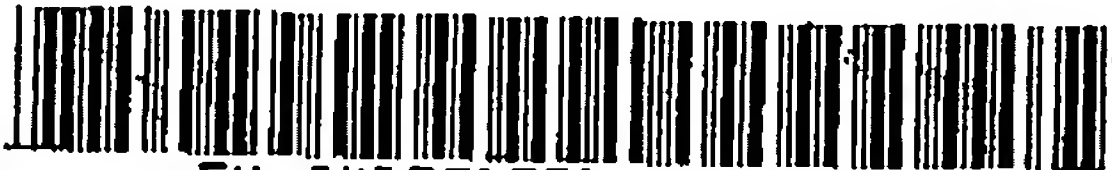
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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

- In re Application of: TYAGI et al.  
For: MUTANTS OF MYCOBACTERIA AND PROCESS THEREOF  
Docket No.: 11378.0066USWO  
Filed: 13 December 2005  
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- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
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